



# COUNTY OF HUMBOLDT

For the meeting of: 10/5/2023

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File #: 23-1335

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**To:** Planning Commission  
**From:** Planning and Building Department  
**Agenda Section:** Consent

SUBJECT:

**Mad River Medicinals, Inc. Conditional Use Permit and Special Permit**

Assessor Parcel Number 208-251-002

Record No.: PLN-12498-CUP

Dinsmore area

A Conditional Use Permit for 18,500 square feet (SF) of existing Outdoor commercial cannabis cultivation supported by a 1,920 square foot ancillary nursery, and a Special Permit for development within a Streamside Management Area (SMA) for a water diversion. Water is sourced from a groundwater well and a Point of Diversion from an onsite spring. The annual estimated water budget is 158,000-gallons is supported by 12,500-gal. of existing and 65,000-gal. proposed tank storage. Processing such as drying and curing will occur on site, with trimming and packaging occurring offsite at a licensed facility. Power source is a 1.7-kW solar system with a generator as emergency backup. No employees are proposed, only operators and one immediate family member.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the resolution (Resolution 23-\_\_). (Attachment 1) which does the following:

- a. Finds that the Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative declaration that was prepared for the Mad River Medicinals, Inc. project pursuant to Section 15164 of the CEQA guidelines; and
- b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
- c. Approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A)

**DISCUSSION:**

**Project Location:**

This project is located in the Dinsmore area, on the east side of River Road, approximately 1.6 miles due northeast from Dinsmore proper, on the property known to be in the southeast quarter of the northeast quarter of Section 34, Township 34, Range 05 East.

**Present General Plan Land Use Designation:**

Residential Agriculture (RA20-160), 2017 General Plan, Density: 20-160 acres per unit, Slope Stability: High Instability (3).

**Present Zoning:**

Foresrty Recreation (FR); Special Building Site (B-5); Min. parcel size 40-acres per dwelling unit (40); FR-B-5(40).

**Environmental Review:**

An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

**State Appeal:** Project is NOT appealable to the California Coastal Commission.

**Major concerns:** None

**Executive Summary:**

A Conditional Use Permit for 18,500 SF of existing Outdoor commercial cannabis cultivation supported by a 1,920 square foot ancillary nursery. Water is sourced from a groundwater well, and a Point of Diversion from an onsite spring. The annual estimated water budget is 158,000-gallons is supported by 12,500-gal. of existing and 65,000-gal. proposed tank storage. Processing such as drying and curing will occur on site, with trimming and packaging occurring offsite at a licensed facility. The power source is a 1.7-kW solar system with a generator back up. No employees are proposed, only operators and one immediate family member. A Special Permit is also requested for the ongoing use and maintenance of a point of diversion.

**Water Resources:**

The annual 158,000-gallon irrigation water budget is sourced from a permitted groundwater well (WCR2019-013014; 18/19-1259) and a Point of Diversion from an onsite spring (Cert. No. H100568), supported by 12,500-gal. of existing and an additional proposed 65,000-gal. of water storage. Including the ancillary nursery, water usage translates to approximately 9.29-gal. per SF. The amount of water storage represents 49% of annual water use. Irrigation will occur primarily through drip irrigation. The applicant will be required to adhere to the State Waer Resources Control Board's (SWRCB) forbearance period and shall not draw irrigation water from the spring between May 31 and Nov. 1 annually.

Planning Division staff has performed an analysis of the well using the well completion report, topographic information, and proximity to nearby surface waters, and believes the likelihood of

connectivity to be low. The Well Completion Report indicates the well is located at 40.511490, -123.593252. The well casing is comprised of one 4.5" outside diameter PVC, which is screened at intervals from 35' to 235' in depth, the latter of which is also the well depth. The well was drilled through a mixture of loose sandstone silt (0' to 12'), brown sandstone (12' to 22'), soft shale (22' to 37'), hard shale (37' to 175'), and shale (175' to 235'). The 4-hour well drawdown test conducted by the driller indicated the productivity of the well was estimated to be 5 gallons per minute (gpm), a total drawdown to 190' in depth, and a static water level at 24' in depth.

The nearest surface waters onsite as indicated in the Lake and Streambed Alteration Agreement (LSAA) developed for the project are three Class III (intermittent) streams flowing in a southwesterly direction, all are tributaries to the Mad River. The closer of these onsite streams is approximately 450' southeast of the wellhead (2,835' elev.), and the second is approximately 900' southeast of the wellhead (2,828' elev.), and the third approximately 1,330' southeast (2,907' elev.). The Mad River is approximately 1,800' southwest of the wellhead.

The elevation of the wellhead is approximately 2,856', and the Mad River is approximately 2,300' elevation. The well depth of 235' makes the bottom of the well approximately 2,621' elevation, and the difference between well bottom and Mad River approximately 321' feet above the Mad River. Depth to first water is indicated as 45'. The shale substrate is assumed to be an aquitard, limiting the dissemination of water from the onsite spring or other onsite surface waters into the aquifer, and the 321' difference between the bottom of the well and the top of the Mad River leads staff to believe the well has a low likelihood of a direct connection to onsite surface waters.

### **Biological Resources:**

The nearest mapped Northern Spotted Owl activity center (HUM0019) is approximately 1.6 miles to the northwest of the project site, with the nearest mapped sighting approx. 0.5 mile to the southeast (from a different activity center approximately 2.4 miles southeast of the project site). Artificial light in the ancillary nursery will be blocked by blackout tarps to eliminate light from escaping the structures 30 minutes prior to sunset and 30 minutes after sunrise. Backup generator use is not allowed until the applicant can demonstrate it operates at or below the 50 decibel (dB) threshold at 100 feet or nearest forested edge, whichever is closer. As proposed and conditioned, the project is consistent with CCLUO performance standards and will not negatively impact the Northern Spotted Owl or other sensitive animal species.

The project site falls within the mapped general boundary containing Oregon goldenrod, and near the area potentially containing Bolander's catchfly. Both plant species were observed in the area in 1976. Development proposed is limited to two discrete areas, one for a 20' x 40' processing building and the second for adding water storage tanks, both located in areas of previous ground disturbance going back to at least 2012. Staff believes the project has a very low likelihood of affecting either species as the two areas proposed for additional development are heavily disturbed.

### **Energy:**

Power is provided by a 1.7-kilowatt (kW) solar array and a backup generator for use in times of limited insolation. The generator is a Honda EU6500 which operates at 52 to 60 dB at 23 feet. Peak energy

demand occurs during the initial cultivation phase when clones are being propagated in the ancillary nursery, requiring lights and circulation fans, and during harvest time when plants are dried. Project conditions require the applicant to provide an energy plan within 60 days of approval describing in detail the amount of energy required to operate, the existing energy availability, and the specific plan to reduce the generator use to exclusively backup no later than January 1, 2026.

**Access:**

Access to the parcel is taken from a private driveway, which takes access from privately maintained River Road, which takes access from State HWY 36. A Road Evaluation was provided by the applicant's engineer and indicated road improvements are required to bring the access route up to Category 4 or equivalent. Specific road improvements include unclogging appropriately sized culverts, addressing road drainage issues, developing turnouts, and repairing slide areas. Project has been conditioned to address the issues and also to attempt to form, or join an existing, Road Maintenance Association for the current needs and ongoing maintenance of the access roads.

No employees are proposed, so traffic will not increase beyond baseline conditions assessed as part of the Mitigated Negative Declaration prepared for the CMMLUO.

**Geologic Suitability:**

The project parcel is mapped in the County GIS as high instability. The cultivation area is on a flat that was graded prior to 2012. No new grading is proposed to implement the project. After the fact grading permits are required for grading that was done as part of historic operations, regardless of their previous use.

**Security and Safety:**

Per the project Operations Plan, the cultivation area is behind a locked gate, a guard dog is present, a six-foot fence surrounds cultivation perimeters, and surveillance cameras are present. The operations plan also describes employee safety practices.

**Tribal Consultation:**

The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center at Sonoma State and Bear River Tribal Historic Preservation Officer. Referral responses indicated application of inadvertent discovery protocol. The standard inadvertent discovery protocol has been incorporated into the project as a condition of approval.

**Consistency with Humboldt County Board of Supervisors Resolution No. 18-43:**

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is in the Mad River Watershed, which under Resolution 18-43 is limited to 334 permits and 115-acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 74 permits and the total approved acres would be 27.52-acres of cultivation.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval (Attachment 5).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
  - A. Conditions of Approval
  - B. Cultivation Operations Plan
  - C. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
  - A. Lake and Streambed Alteration Agreement
  - B. Notice of Intent
  - C. Right to Divert and Use Water
  - D. Road Evaluation
  - E. Well Completion Report
  - F. Water Resources Protection Plan
5. Referral Agency Comments and Recommendations
6. Watershed Map

**Applicant**

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**File #:** 23-1335

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Please contact Andrew Whitney, Associate Planner, at [awhitney2@co.humboldt.ca.us](mailto:awhitney2@co.humboldt.ca.us) or (707) 268-3735 if you have questions about this item.